



City of El Paso – City Plan Commission Staff Report

Case No: PZCR12-00001
Application Type: Condition Release
CPC Hearing Date: April 5, 2012
Staff Planner: Michael McElroy, 915-541-4238, mcelroyms@elpasotexas.gov
Location: North of I-10 and East of Magruder Street
Legal Description: Parcel 1: Portion of Tract 1 and Tract 2, Bassett Center Subdivision, City of El Paso, El Paso County, Texas
Parcel 2: Portion of Tract 1 and Tract 2, Bassett Center Subdivision, City of El Paso, El Paso County, Texas
Acreage: 43.32 acres
Rep District: 3
Zoning: C-3/sc (Commercial/special contract)
Existing Use: Shopping Mall
Request: Release all conditions imposed by contract dated February 12, 1962
Proposed Use: Shopping Mall
Property Owner: Bassett Place Real Estate Company, LLC
Representative: Alejandra Contreras

SURROUNDING ZONING AND LAND USE

North: C-3 (Commercial), C-1/sc/sp (Commercial/special contract/special permit), C-1/sc (Commercial/special contract) & R-4 (Residential) / Commercial and residential
South: C-3/sc (Commercial/special contract) / Commercial
East: C-3 (Commercial), C-1 (Commercial) & R-4 (Residential) / Commercial and residential
West: C-3 (Commercial) / Commercial & office

Plan El Paso Designation: G-4 – Suburban (Central Planning Area)

Plan for El Paso Designation: Central (Commercial)

Nearest Park: Normandy Park (2,265 ft.)

Nearest School: Hughey Elementary (1,841 ft.)

NEIGHBORHOOD ASSOCIATIONS

Central Business Association

NEIGHBORHOOD INPUT

Notices of the April 5, 2012 public hearing were mailed to all property owners within 300 feet of the subject property on March 7, 2012.

APPLICATION DESCRIPTION

The request is to release all remaining setback requirements and other conditions on the property imposed by contract dated February 12, 1962 (see attachment 4). These conditions were placed on the property due to the construction of the highway. Over the years several conditions have been partially released.

Original 1962 Conditions:

1. Setbacks are to exist as follows:

- a. On both sides of Magruder Street between Interstate Highway 10 and Montana Avenue – 40 feet; except that no special setback line shall be designated on the east side of Magruder for a distance of 165 feet north from I-10.
- b. On the south side of Montana between the southwest boundary of the Bassett Center Subdivision and Magruder – 40 feet.
- c. On the south side of Montana Avenue between Magruder and Geronimo – 60 feet.
- d. On the southwest and west side of Geronimo from Montana Avenue to I-10 – 60 feet.
- e. On the east side of Geronimo from the southern boundary of Cresthill Terrace Addition to I-10 – 60 feet
- f. On the north side of I-10, between Geronimo and Magruder – 140 feet; except that at the northeast corner of the intersection of I-10 and Magruder no special setback line shall be designated for a distance of 140 feet east of Magruder.
- g. On the north side of I-10 between Magruder and the southwest boundary of Bassett Center Subdivision – 60 feet.

2. No vehicular access from FM 2233 and Montana Ave. shall be constructed without the prior approval of the Traffic Engineer whose approval shall be based on considerations of the effect of such access on the safety and operating efficiency of said major thoroughfares. (Condition satisfied).

3. All illumination facilities for parking areas, and all illuminated signs shall be so oriented as to prevent the direct illumination of abutting residential properties, and no sign or advertising device designed to attract attention by audible means shall be permitted. (Condition addressed currently by the Dark Sky Ordinance).

PLANNING AND ECONOMIC DEVELOPMENT-PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the zoning condition release request. Present-day zoning regulations are appropriate and applicable. The conditions currently imposed do not make the property a walkable community; if it were a new model it would be built to the street edge.

Plan El Paso-Future Land Use Map Designation

All applications for rezoning shall demonstrate compliance with the following criteria:

G-4 – Suburban: This sector applies to modern single-use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.

The purpose of the C-3 district is to accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the city. The regulations of the districts will permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.

COMMENTS

Department of Transportation

Department of Transportation objects to the following condition release. Releasing the conditions may impose detrimental impact to the abutting streets due to the streets being at a higher elevation than the property. 1. On the south side of Montana Avenue between Magruder and Geronimo – 60 feet, except construction will be permitted along the south side of Montana between a point 25 feet easterly from the easterly right of way line of Magruder and a point 200 feet easterly from such

first point, but such construction shall not be closer than 25 feet to the southerly right of way line of Montana. 2. On the southwest and west side of Geronimo from Montana Avenue to I-10 – 25 feet. Department of Transportation does not object to the other condition release.

Land Development

No objections.

El Paso Water Utilities

1. EPWU does not object to this request.

Water

2. There are existing water mains that extend along portions of the public rights-of-way fronting the subject parcels and within the subject property along easements.

3. EPWU records indicate active water meters serving the subject commercial development.

Sanitary Sewer:

4. There are existing sanitary sewer mains that extend along portions of the public rights-of-way fronting the subject parcels and within the subject property along easements.

General:

5. All easements dedicated for public water and sanitary sewer facilities shall comply with the EPWU-PSB Easement Policy. EPWU-PSB requires access to the proposed water and sanitary sewer facilities and appurtenances within the easements 24 hours a day, seven days a week. No building, reservoir, structure or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced El Paso Water Utilities - Public Service Board Easements (EPWU-PSB easements) without the written consent of EPWU-PSB.

6. EPWU requires a new service application to provide additional water/sewer services. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

CITY PLAN COMMISSION OPTIONS

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the zoning condition release:

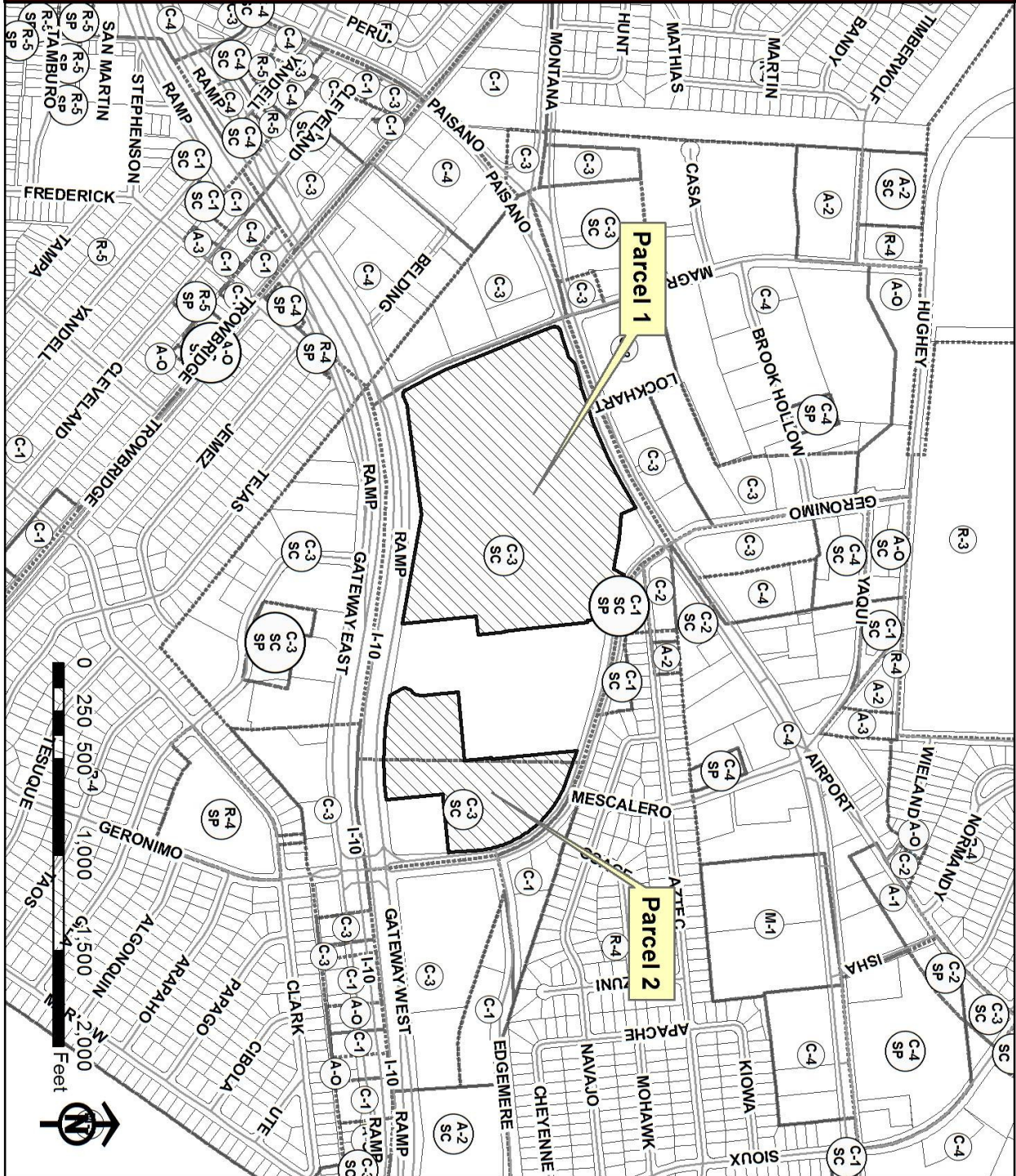
1. Recommend approval of the application finding that the zoning condition amendment is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the zoning condition amendment into conformance with the review criteria in The Plan for El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that the zoning condition amendment does not conform to the review criteria in The Plan for El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

Attachments

1. Zoning Map
2. Aerial Map
3. Detailed Site Plan
4. Contract dated January, 1962

ATTACHMENT 1: ZONING MAP

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ATTACHMENT 2: AERIAL MAP

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SITE PLAN
BASSETT PLANT
POSITION OF TRUCK & TRAILER
BASSETT CENTER SUBDIVISION

LEGEND
PARKING LOT
BUILDING FOOTPRINT
ROADWAY
UTILITY LINE
FENCE LINE
TREES
WATER

TITLE BLOCK
PROJECT NO. 1000
DATE: 10/1/77
DRAWN BY: J. L. BASSETT
CHECKED BY: J. L. BASSETT
APPROVED BY: J. L. BASSETT
SCALE: 1" = 100'

ATTACHMENT 4: CONTRACT DATED JANUARY 12, 1962

57005
CONTRACT

This contract, made this 12 day of February, 1962, by and between Charles Bassett Center, Inc., and the City of El Paso, witnesseth:

By contract dated August 7, 1957, recorded in Book 1355, page 175 of the Deed Records of El Paso County, the parties made certain agreements with reference to the following described property in El Paso County, Texas:

Tracts 5D, 5D1, 5D2, 7A, 9H, and that part of Tract 9A lying north of the north right of way line of FM 2233 and west of a north-south line which intersects the south line of Cresthill Terrace Addition 140 feet west of the intersection of said south line with Geronimo Drive (which distance is measured along the south line of Cresthill Terrace Addition), all in Block 2, Ascarate Grant.

Said contract was modified by a partial release dated July 6, 1961; and by contract dated June 8, 1961, recorded in Book 1606, page 262, the parties made certain agreements with reference to Block 1 of Bassett Center.

The parties have now agreed to certain modifications of the foregoing contracts, and this contract is to be substituted for the previous contracts above described.

In consideration of the premises the parties agree:

(1) Charles Bassett Center, Inc., will comply with the following setback lines in the property above described, that is to say, no structure shall be constructed within the specified distances of the streets or highways:

(a) On both sides of Magruder Street between Interstate Highway 10 and Montana Avenue—40 feet; except that no special setback line shall be designated on the east side of Magruder Street for a distance of 165 feet north from the Interstate Highway 10.

(b) On the south side of Montana Avenue between the southwest boundary of the Bassett Center Subdivision and Magruder Street—40 feet.

(c) On the south side of Montana Avenue between Magruder Street and Geronimo Drive—60 feet.

(d) On the southwest and west side of Geronimo Drive from Montana Avenue to Interstate Highway 10—60 feet.

(e) On the east side of Geronimo Drive from the south boundary of Cresthill Terrace Addition to the Interstate Highway 10—60 feet.

(f) On the north side of Interstate Highway 10, between Geronimo Drive and Magruder Street—140 feet; except that at the northeast corner of the intersection of Interstate Highway 10 and Magruder no special setback line shall be designated for a distance of 140 feet east of Magruder.

(g) On the north side of Interstate Highway 10 between Magruder Street and the southwest boundary of Bassett Center Subdivision—60 feet.

(2) No vehicular access from FM 2233 and Montana Avenue shall be constructed without the prior approval of the Traffic Engineer whose approval shall be based on considerations of the effect of such access on the safety and operating efficiency of said major thoroughfares.

(3) All illumination facilities for parking areas, and all illuminated signs shall be so oriented as to prevent the direct illumination of abutting residential properties, and no sign or advertising device designed to attract attention by audible means shall be permitted.

(4) The above restrictions shall constitute covenants running with the land, and easements and servitudes thereon and shall be binding on Charles Bassett Center, Inc., and its successors in title, and may be enforced by the City of El Paso by injunction or any other remedy.

The City Council of the City of El Paso may release the above restrictions in its discretion, without the consent of any third person who may be benefited thereby.

Charles Bassett Center, Inc., warrants that it has title to the above described property and has the right to put the above restrictions thereon.

Witness the following signatures and seals:

CHARLES BASSETT CENTER, INC.

by [Signature]
Vice President

ATTEST:

[Signature]
Secretary

THE CITY OF EL PASO

by [Signature]
Mayor

ATTEST:

[Signature]
City Clerk

THE STATE OF TEXAS)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared RALPH E. SENTSINGER, Mayor of the City of El Paso, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that he had executed the same for the purposes and consideration and in the capacity therein expressed, and as the act and deed of the City of El Paso.

Given under my hand and official seal this 24 day of February, 1962.

[Signature]
Notary Public in and for El Paso County,
Texas.

I am not a lawyer and do not
represent anyone other than
myself.

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